

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

HUGO GALVAN
Plaintiff

v.

**DOUGLAS SABIN and AMERICAN
CINEMA EQUIPMENT COMPANY,
INC.**
Defendants

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CIVIL ACTION NO. 5:17-CV-608

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, AMERICAN CINEMA EQUIPMENT, INC., erroneously sued as AMERICAN CINEMA EQUIPMENT COMPANY, INC., respectfully removes the above-captioned action, presently pending in the 166th Judicial District Court of Bexar County, Texas, to the United States District Court for the Western District of Texas, San Antonio Division. As grounds for removal to this Court, Defendant states as follows:

1. On June 1, 2017, Plaintiff, Hugo Galvan (“Plaintiff”) commenced a civil action against Defendant for alleged personal injuries in the 166th Judicial District Court, Bexar County, Texas by filing his Original Petition bearing Cause No. 2017CI10024 (“State Court Action”).

2. On June 19, 2017, Defendant, AMERICAN CINEMA EQUIPMENT, INC., erroneously sued as AMERICAN CINEMA EQUIPMENT COMPANY, INC., was served with a citation and a copy of Plaintiff’s Original Petition. Defendant timely answered the State Court Action on June 30, 2017. Therefore, this Notice of Removal is being filed within thirty (30) days in accordance with 28 U.S.C. § 1446(b).

3. Plaintiff is an individual residing in Bexar County, Texas. (Orig. Pet. at ¶ 2, Ex. A). For purposes of diversity jurisdiction, Plaintiff is a citizen of Texas.

4. Defendant American Cinema Equipment, Inc. is a domestic business corporation with its principal place of business in Portland, Multnomah County, Oregon. For purposes of diversity jurisdiction, Defendant American Cinema Equipment, Inc. is a citizen of the State of Oregon.

5. Defendant Douglas Sabin is an individual who resides in Portland, Multnomah County, Oregon. At the time of the filing of this Notice of Removal, Douglas Sabin has not yet been served with this lawsuit. For purposes of diversity jurisdiction, Defendant Douglas Sabin is a citizen of the State of Oregon.

6. Complete diversity of citizenship exists between the parties to this action pursuant to and in accordance with the requirements of 28 U.S.C. § 1332, which confers original subject matter jurisdiction upon this Court.

7. The amount in controversy in this matter exceeds \$75,000.00, as required for diversity jurisdiction under 28 U.S.C. § 1332. In his Original Petition, Plaintiff alleges that he suffered bodily injuries as a result of the collision made the basis of his lawsuit. He alleges that he has suffered and may continue to suffer into the future physical pain and mental anguish and has incurred medical care expenses in the past and may incur such in the future for treatment of his injuries. (Orig. Pet. at ¶ 16). Additionally, "...Plaintiff seeks monetary relief **in excess of \$1,000,000.00...**" (Orig. Pet. at ¶ 17).

8. At the time of filing of this Removal, this matter was pending in Bexar County, Texas. Accordingly, the San Antonio Division of the Western District of Texas is the proper district and division for the removal of this matter. *See* 28 U.S.C. § 1446(a).

9. Defendant consents to the removal of this case to federal court and is currently represented by the undersigned counsel.


10. Promptly after filing this Notice of Removal, Defendant will give written notice to Plaintiff and file a copy of the Notice of Removal with the Clerk of Court of the 166th Judicial District Court, Bexar County, Texas, as required by 28 U.S.C. § 1446(d).

11. Copies of the documents required to be filed with this Notice of Removal are attached hereto as Exhibits A – D.

WHEREFORE, Defendant respectfully prays this case be removed to the United States District Court for the Western District of Texas, San Antonio Division, and for any further relief this Court deems just and appropriate.

Dated: July 7, 2017

Respectfully submitted,

 **Davis, Cedillo & Mendoza, INC.**
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By: /s/ Ronald E. Mendoza

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AMERICAN CINEMA EQUIPMENT, INC.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the clerk of the court using the CM/ECF system. Pursuant to Fed. R. Civ. P. 5(a)-(d), all counsel of record not deemed to have consented to electronic service will be served with a true and correct copy of the foregoing by mail, United States Postal Service on this 7th day of July, 2017.

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